UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,601	02/22/2002	Satoshi Nakajima	109908-130337	5731

25943   7590   09/28/2007
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EXAMINER
DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
09/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	10/082,601	NAKAJIMA, SATOSHI
	Examiner	**Art Unit**	
	Duyen M. Doan	2152	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>10 September 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-40*.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.
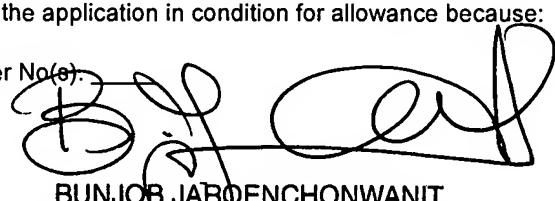
<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).

13. ☒ Other: <u>See Continuation Sheet</u>.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

9/27/7

Continuation of 13. Other: In response to applicant's argument on the finality of the offiction action is premature, examiner respectfully disagrees, Final office action mailed on 7/12/2007 is based on the amendment filed on 8/11/2005. Since the previous final office actions are withdrawn because the examiner found that the applicant's arguments are persuasive. Therefore, the examiner withdrawn the previous final rejections and reinstated another final office action based on the amendment filed on 8/11/2005.

In response to applicant's argument on 112 1st rejections of claims 1-40 examiner agrees with the applicant about the rejection of claims 27-34, therefore the rejection of claims 27-34 are withdrawn. However, applicant's argument is not persuasive for claims 1-26,35-40, The negative limitation "without using the source application" is a limitation, unless it is specifically supported by the specification, otherwise it is a new matter issue. The rejections of claims 1-26,35-40 are maintained.

In response to applicant's argument on 112 2nd rejection of claims 1-40 examiner agrees with the applicant about the rejection of claims 27-34, therefore the rejection of claims 27-34 are withdrawn. However, applicant's argument is not persuasive for claims 1-26,35-40. Applicant is claiming "without usage of a source application", it is not clear if the method of the applicant claimed does not using the source application to open the file, then what will the applicant use to open the file. This is not clear to the examiner, therefore, it renders the indefinite issue. The rejections of claims 1-26,35-40 are maintained.

In response to applicant's argument that the prior art does not teach, "generating a self contain representation of one or more interface display", examiner respectfully disagrees, Cook teaches a concept of converting a Microsoft document into a series of objects (see col.14, lines 2-15), each object has its own display state (i.e. interface display) (see col.3, lines 15-23). The objects are self-contained since it is view using a generic browser and not depends on any other types of application such as Microsoft application to open the it.

In response to applicant's argument that the prior art Martin does not teach, "generating a self contain representation of one or more interface display", examiner respectfully disagrees, Martin discloses in figure 6 of the specification a method of generating a self-contained file 623 from the visual representation of the document 603. The user views this self-contained file using a generic browser without any additional software.